

APPEAL NO. 041834
FILED SEPTEMBER 16, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 1, 2004. The hearing officer determined that: (1) the _____, compensable injury of respondent (claimant herein) extends to and includes lumbar degenerative disc disease and a disc protrusion at the L5-S1 spinal level; and (2) claimant's impairment rating (IR) is 17%. Appellant self-insured (carrier herein) appealed these determinations on evidentiary sufficiency grounds. Claimant responded that the Appeals Panel should affirm the hearing officer's decision.

DECISION

We affirm.

The issue regarding extent of injury involved a fact question for the hearing officer. The hearing officer considered the conflicting evidence in this case and made her determinations based on the evidence. We conclude that the hearing officer's determination regarding extent of injury is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer considered carrier's arguments regarding extent of injury and whether the IR should have included impairment for the neck and back and made her determinations based on the evidence before her. The hearing officer did not err in according presumptive weight to the designated doctor's report. We perceive no error in the hearing officer's IR determination.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier (**a certified self-insured**) and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Thomas A. Knapp
Appeals Judge